



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

August 29, 2007

David Emil, President
Lower Manhattan Development Corporation
One Liberty Plaza
New York, New York 10006

Re: Abatement and Deconstruction of 130 Liberty Street
(also known as the Deutsche Bank Building)

Dear Mr. Emil:

I am writing to express the concern of the U.S. Environmental Protection Agency (EPA) about the "preliminary position" that you stated at the August 28, 2007 meeting with Pat Evangelista, World Trade Center (WTC) Coordinator for EPA's New York City Response and Recovery Operations, and representatives of the New York State Department of Labor (NYSDOL), the New York City Department of Environmental Protection (NYCDEP), the U.S. Department of Labor Occupational Safety and Health Administration (OSHA), and others. Mr. Evangelista informed me that you have proposed that the Lower Manhattan Development Corporation (LMDC) implement a new sampling plan to gather new data for the building at 130 Liberty Street and to revisit abatement procedures detailed in LMDC's "Deconstruction Plan," previously accepted on September 8, 2005 by EPA, NYSDOL, NYCDEP and New York State Department of Environmental Conservation (NYSDEC). At the August 28 meeting, Mr. Evangelista stated that your "preliminary position" was unacceptable to EPA; a representative of NYCDEP concurred.

The tragic fire at 130 Liberty Street on August 18, 2007 resulted in the deaths of two heroic firemen and the exposure of large contaminated portions of the building to the outdoor environment. Representatives of the New York City Fire Department (FDNY) have recommendations for protective measures that they believe should be utilized to improve fire safety in the building. EPA has participated, and continues to participate, in meetings to understand the concerns of the FDNY and to address them expeditiously.

Our primary environmental concern at this time is the need for LMDC to implement all necessary measures to seal the building to control potential releases of contaminants into the environment. In so doing, we urge LMDC to employ additional measures to safeguard public and worker safety and health, and to incorporate appropriate recommendations from FDNY. Future building abatement and deconstruction (demolition) work should be performed in accordance with the "Deconstruction Plan," the "Revised Contractor Implementation Plan," dated September 19, 2006, and the "Revised Deconstruction Drawings," dated September 20, 2006, and any amendments thereto that are approved by the appropriate regulatory authorities.

At this point in time, it is also important for LMDC to recognize the significant amount of information about 130 Liberty Street that is documented in the record for the building. The record unquestionably reveals that the building at 130 Liberty Street was heavily damaged and contaminated by the terrorist attack on the World Trade Center. The building was directly hit by portions of the facade from the South Tower and by an extensive amount of falling and blown contaminated debris and dust from the collapse of the WTC towers. As a result, 130 Liberty Street was seriously contaminated both inside and out with dust and debris containing asbestos, lead and other hazardous substances and contaminants. As EPA has previously stated to you in writing, safeguards for the prevention of releases into the environment of such hazardous substances and contaminants during the abatement and deconstruction process must be employed to prevent a situation that may present an imminent and substantial endangerment to public health and the environment.

EPA also stated in its September 8, 2005 and September 21, 2006 letters accepting LMDC's "Deconstruction Plan" and the "Revised Contractor Implementation Plan" and "Revised Deconstruction Drawings" that they are intended to incorporate measures to control potential releases of contaminants into the environment that may have potential impacts on the neighboring residents and workers. At the August 21, 2007 Community Board 1 public meeting with interested citizens and Lower Manhattan elected officials to discuss 130 Liberty Street, Pat Evangelista reiterated EPA's commitment to ensure that the building would be sealed as soon as practicable to protect public health and the environment.

For three years, EPA has worked cooperatively with NYSDOL, NYSDEC, NYCDEP, OSHA and the New York City Department of Buildings to provide a coordinated response to the complex abatement and deconstruction at 130 Liberty. All the regulatory partners have tried to ensure that LMDC and its contractors utilize best management practices in all phases of the abatement and deconstruction of the building. EPA intends to continue monitoring the steps that must be taken to address current conditions, as well as the abatement and deconstruction as it progresses.

Sincerely,



Alan J. Steinberg
Regional Administrator

cc: Emily Lloyd, Commissioner NYCDEP
M. Patricia Smith, Commissioner NYSDOL
Pete Grannis, Commissioner NYSDEC